

Patent Application Serial No. 10/566,987

REMARKS

The amendments are supported as follows: “for a predetermined amount of time” on a half-way press is found at page 10, lines 4-6 and 14 of the specification. As discussed at the interview, the references do not disclose any one-time, instantaneous, or predetermined-time-interval alert, only a continuous or (perhaps) continual alert. (A continuous alert is shown by, e.g., Fig. 5 of Konno, where “consciousness operation” S105 remains operative as long as SW1 is on and SW2 is not on.)

The other features recited in claim 1 are also supported on page 10, lines 1-14. The phrase “lights up or flashes” is supported in the Abstract and original claim 2.

The claim 12 amendments and new claim 19 are supported in original claim 3; new claim 17 is supported in paragraph 0027 at page 10, line 19; and new claims 18 and 20 are supported in paragraph 0029 at page 11, lines 11-14. The new claims are patentable by their dependence and for the reasons below.

In response to the July 15 Action:

(1-7) The Examiner is thanked for responding to the Applicant’s arguments. The Applicant answers the response below.

(8) Claim 14 is objected to for a typographic error causing incorrect dependence. The Examiner is thanked for examination of the defective claim.

(9-15) Claims 1, 7, 11, and 13-14 are rejected under 35 U.S.C. §103(a) as being obvious over Ito, JP 05-083625, in view of Konno, JP 06-175208. This rejection is respectfully traversed.

As now amended, independent claim 1 recites that “the LED lights up or flashes for a predetermined amount of time”, which is not disclosed by any of the references.

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As was discussed during the interview, Konno states (paragraph 0015) that “while the switch 1 of S104 turns on, consciousness operation of S105 is performed, and is continued until the switch S2 is turned on.” This is directly contrary to the “predetermined” interval of time that is now in the Applicant’s claim. As is mentioned above, Fig. 5 of Konno also shows that the consciousness operation continues for as long as switch 1 is on and switch 2 is not on.

The other reference, Ito, also does not disclose the feature, and therefore no combination (not admitted) could reach the Applicant’s claim 1.

(16-17) Claim 4 is again rejected under 35 U.S.C. §103(a) as being obvious over Ito and Konno in view of Havashi, US 6,944,345. This rejection is traversed on grounds above.

(18-19) Claim 12 is rejected under 35 U.S.C. §103(a) as being obvious over Ito and Konno in view of Iwata, US 4,472,042. The Examiner is invited to consider that popping up is a momentary event, and further distinguishes over Fig. 5 of Konno as argued above. New claim 9 recites the same feature.

(20-21) Claim 8 is rejected under 35 U.S.C. §103(a) as being obvious over Ito and Konno in view of Dow, US 2004/0090533. This rejection is respectfully traversed on grounds above.

In reply to the Examiner’s counter-arguments:

(a) The Examiner asserts in ¶ 6 on page 3 of the Action that, in this art, “SW1” conventionally means a half-press of a switch, and “SW2” means a full press. The patent US 5,231,446, which was mentioned in the interview, discloses this terminology. This patent also lists other switches, up to SW15, which are not physically coupled. This shows that the “SW#” notation is not special to half-press and full-press switches.

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The Examiner is invited to consider that the one example of this terminology does not, logically, imply that SW1 and SW2 always mean the same thing elsewhere. A counter-example is US 5,499,074, which discloses “two mercury switches SW1, SW2 [which] are arranged substantially in the form of an inverted V.” Again, US 5,204,707 appears to use “SW1” and “SW2” for physically distinct, unrelated switches.

With respect, there is no logical basis for assuming that “SW1” and “SW2” in Konno *must* refer to half-press and full-press of one switch, unless “SW1” and “SW2” are *always* used this way in the art; and the Applicant has now presented counter-examples to such an assertion.

During the interview the Examiner pointed to the lower-right view in Konno’s Fig. 9, which shows “SW1 ON” and also “SW2 ON” next to the apparent switch being pressed by the user’s finger. However, the switch is depicted in exactly the same in the other views of Fig. 9, which are marked only “SW1 ON”. The disclosure does not explain Fig. 9 in any detail. (The Applicant again notes that the term “half-press” and its synonyms are written nowhere in the specification, claims, abstract, or figures of Konno.)

Therefore, the lower-right view in Konno’s Fig. 9 could depict *first and second depressions* of the switch, separated by an interval of time, rather than two *positions* as the Examiner urges.

(b) In ¶ 3 on page 2, the Examiner responds to the Applicant’s argument that the Examiner’s proposed modification would prevent the reference apparatus from functioning properly. In reply, the Examiner asserts that if the combination can be modified further so that it would function, then the combination is obvious; however, no such further modification is on the record, and no additional reference has been applied, so the argument is not yet overcome.

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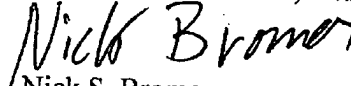
(c) The Examiner's remark in ¶ 4 against the Applicant's argument (3) states that the claims cover an apparatus that only provides a single notification in its entire lifetime of use. With respect, the Examiner's position assumes that the claims read on a notifier that is *malfunctioning*, or else of *special design*, so that it only operates once or for a limited time. With respect, this is not a valid interpretation of claim language because it adds a limitation that is not in the claim, namely the limitation of being defective or else specially and strangely designed.

The Applicant's arguments of April 24 are respectfully reiterated by reference.

In view of the aforementioned amendments and accompanying remarks, the application is submitted to be in condition for allowance, which action is requested.

Respectfully submitted,

KRATZ, QUINTOS & HANSON, LLP


Nick S. Bromer

Attorney for Applicant
Reg. No. 33,478

NSB/lrj

Suite 400
1420 K Street, N.W.
Washington, D.C. 20005
(202) 659-2930

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